



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,537	03/28/2001	Randall K. Curey	NG (NSD) 018807 US CIP	6434
26294 7590 09/21/2009 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114			EXAMINER LEE, PHILIP C	
			ART UNIT 2448	PAPER NUMBER
			MAIL DATE 09/21/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Applicant's arguments filed 9/2/09 have been fully considered but they are not persuasive.

In the remarks, applicant argued that:

- (1) Blum fails to teach assigning a sequence of time intervals to each software package of a plurality of software packages.
- (2) The combination of Blum and any other reference (including Reznak) in rejecting claims 21 and 46 would not be obvious.

In response to point (1), applicant's argument has been considered and addressed to in the Final Office Action mailed on 8/3/09.

In response to point (2), on page 17, lines 9-11 of the remarks filed on 9/2/09, applicant states: "Since in Blum, programs are selected to be executed in real time, there is never a time that a program is being executed in a time slice that is associated with different program". Examiner disagreed. Blum teaches dynamically changing the time slice assignment. A program can add to its computing time by taken from the computing time (e.g., time slices) of other programs (col. 5, lines 18-23; col. 12, lines 28-31). This means a program in Blum's system can execute in the computing time that is associated with different program. Therefore, it would be obvious to combine Blum's system and Reznak's teaching because Reznak's teaching of determining when the execution of any one of the one or more software packages of the plurality of software packages being executed a software package extends into a time interval belonging to the sequence of

Art Unit: 2448

time intervals assigned to another of the one or more software packages would increase the flexibility of Blum's system by allowing adjustment of the assigned time intervals for execution by the programs. Furthermore, Blum teaches scheduling of time intervals for execution including dynamically determining/changing the assignment of processing time. Reznak teaches scheduling of time intervals for execution including determining assignment of time is exceeded. Therefore, Blum and Reznak are analogous arts.

/Philip C Lee/

Primary Examiner, Art Unit 2448